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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 24 April 2008 from the Permanent Mission of Papua New Guinea to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Papua New Guinea to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and is pleased to submit its first report to the Committee (see annex).

24 April 2008, New York

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Annex to the note verbale dated 24 April 2008 from the Permanent Mission of Papua New Guinea to the United Nations addressed to the Chairman of the Committee

Report of Papua New Guinea on implementation of United Nations Security Council resolution 1540 (2004)

Pursuant to United Nations Security Council resolution 1540 (UNSCR 1540), all Member States are required to present a report to the 1540 Committee of the Council on the steps they have taken or intended to take regarding its implementation.

This report serves to benchmark the stages of development of policy, legislation and operational mechanisms in Papua New Guinea to implement the requirements of the resolution. As implementation of the resolution is a long-term process, Papua New Guinea endeavours to provide necessary updates and additional information in the future.

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

1. Papua New Guinea does not develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

2. Papua New Guinea is supportive of the objectives of UNSCR 1540 and does not support in any way or form activities that may assist and/or encourage non-State actors to commit or attempt acts contrary to the objectives of the Resolution.

3. Papua New Guinea is also committed to disarmament and non-proliferation. In support of these and the commitments above, it is a State Party to the following:

- 1925 Geneva Protocol
- Biological Weapons Convention
- Chemical Weapons Convention
- Nuclear Non-Proliferation Treaty
- Treaty of Rarotonga

Additionally, Papua New Guinea is a signatory to the Comprehensive Nuclear-Test-Ban Treaty, and a subscriber to the Hague Code of Conduct against Ballistic Missile Proliferation.

4. As of 2008, Papua New Guinea has ratified eight (8) international counter-terrorism conventions and protocols. These are as follows:

1. 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft
2. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft

3. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

4. 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

5. 1979 International Convention against the Taking of Hostages

6. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation

7. 1997 International Convention for the Suppression of Terrorist Bombings

8. 1999 International Convention for the Suppression of the Financing of Terrorism

5. Papua New Guinea remains committed to ratifying and signing the remaining five (5) counter-terrorism conventions and related three (3) protocols.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

On 25-26 June 2007, Papua New Guinea participated in the United Nations Office on Drugs and Crime (UNODC) and Pacific Islands Forum Secretariat (PIFS) Consultation on Counter-Terrorism Legislation Implementation and Technical Assistance Delivery, and on 27 June, the PIF Working Group on Counter-Terrorism, both held in Nadi, Fiji.

Then from 3-5 December 2007, the Government of Papua New Guinea, through the Royal Papua New Guinea Constabulary, Department of Justice and Attorney-General and Department of Foreign Affairs, Trade and Immigration, participated in a UNODC and PIFS-sponsored country workshop in Port Moresby.

Following these workshops, Papua New Guinea is now in the process of developing and drafting appropriate domestic legislation that aims to cover aspects of United Nations Security Council resolutions 1373 (2001) as well as 1540 (2004) and 1673 (2006).

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall;

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

Papua New Guinea is currently considering some of these requirements through the drafting of national Counter-Terrorism legislation. It is noted that the Merchant Shipping Act contains provisions that contribute to implementation of measures to secure, store and transport biological, chemical and nuclear weapons-related materials and their means of delivery.

With respect to the Chemical Weapons Convention, the Papua New Guinea Department of Foreign Affairs, Trade and Immigration is the designated National Authority, as required by the Convention.

While not a member of the International Atomic Energy Agency, Papua New Guinea has in force a Safeguards Agreement relevant to measures to account for production, use and storage of nuclear-related materials.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

In support of improving border controls, Papua New Guinea has the Customs Act 1951 and the National Maritime Safety Authority Act containing provisions that are relevant to transportation, import and export controls. Papua New Guinea is a member of the regional Oceania Customs Organization, and has signed the declaration on the implementation of the World Customs Organization 2005 Framework of Standards to Secure and Facilitate Global Trade.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions.

Papua New Guinea is currently considering assistance needs and will make request(s) as appropriate.

Following the UNODC-sponsored workshops on drafting national counter-terrorism legislation held in Fiji, in June 2007, and in Port Moresby, in December 2007, UNODC is continuing its support in terms of assisting with Papua New Guinea's legislative requirements.